

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MOBILEMEDIA IDEAS LLC,)	
)	
Plaintiff,)	Civil Action No. 3:11-cv-02353-N
)	
v.)	JURY TRIAL DEMANDED
)	
RESEARCH IN MOTION LIMITED and)	
RESEARCH IN MOTION)	
CORPORATION,)	
)	
Defendants.)	

**MMI’S RESPONSE TO DEFENDANTS’
MOTION FOR A STATUS CONFERENCE**

Plaintiff MobileMedia Ideas LLC (“MMI”) is generally agreeable to holding a status conference to advise the Court on the status of claim construction discovery and proposals for streamlining the case. MMI’s is opposed, however, to Defendants’ Research In Motion, Ltd. and Research In Motion Corporation (collectively “RIM”) proposed agenda which seeks to obtain advisory opinions from the Court. In lieu of RIM’s proposed agenda, MMI proposes the following items for discussion:

1. Proposals for Streamlining the Case

MMI has proposed that the parties enter into an agreement modeled almost word-for-word on an agreement it reached with defendant Apple Inc. (“Apple”) in a parallel lawsuit involving many of the same patents, pending in the District of Delaware: *MMI v. Apple*, Civ. A. No. 1:10-cv-258-SLR-MPT (D. Del.). The proposal is balanced, limiting not only the number of claims asserted by plaintiff, but the number of prior art references asserted by defendant, and the number of claim terms asserted by both sides for claim construction. In particular, MMI has proposed:

- Restrict MMI’s infringement contentions to 30 patent claims;
- Restrict the number of claim terms to be construed to 30 terms total, not including means-plus-function claims;

- Restrict the number of prior art references relied upon by RIM to 30 references.

In the *MMI v. Apple* case, the Court adopted the parties' proposal and observed to counsel that they were "a model patent case" and should "feel free to share that degree of cooperation with your colleagues and the bar." See Appendix at 12 (Apr. 17, 2012 Transcript in *MMI v. Apple*, Civ. A. No. 1:10-cv-258-SLR-MPT (D. Del.) at 10:17-20). RIM, however, has rejected the proposal out of hand and has made no counter-proposal.

2. Status of Claim Construction Discovery

The parties have exchanged proposed claim terms and proposed claim constructions in accordance with Misc. Order 62, §§ 4-1 and 4-2.

The Joint Claim Construction and Prehearing Statement required by Misc. Order 62, § 4-3 is due on April 24, 2012.

RIM has filed a motion requesting an extension of time to comply with Misc. Order 62, §§ 4-4, 4-5(a), and 4-5(b): MMI does not oppose this request.

MMI intends to file a motion seeking leave to designate experts to rebut expert testimony offered by RIM in support of its claim constructions.

3. *Markman* hearing

MMI informed RIM that, while MMI will not oppose a motion for a *Markman* hearing filed by RIM, MMI will not join in making such a request.

MMI and RIM are also discussing other issues pertaining to the claim construction proceedings in an attempt to reach an agreement. MMI may supplement its proposed agenda depending upon the outcome of those discussions.

April 24, 2012

Respectfully submitted,

/s/ Mark Turk

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 24, 2012, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule Cv-5(a)(3). Any other counsel of record will be served via first class mail and/or facsimile.

/s/ Mark Turk
Mark E. Turk